



General Assembly

Substitute Bill No. 21

February Session, 2000

An Act Concerning The Sales Tax On Cable Television Service.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 12-407 of the general statutes, as
2 amended by section 10 of public act 99-173 and section 10 of public act
3 99-285, is repealed and the following is substituted in lieu thereof:

4 (2) "Sale" and "selling" mean and include: (a) Any transfer of title,
5 exchange or barter, conditional or otherwise, in any manner or by any
6 means whatsoever, of tangible personal property for a consideration;
7 (b) any withdrawal, except a withdrawal pursuant to a transaction in
8 foreign or interstate commerce, of tangible personal property from the
9 place where it is located for delivery to a point in this state for the
10 purpose of the transfer of title, exchange or barter, conditional or
11 otherwise, in any manner or by any means whatsoever, of the property
12 for a consideration; (c) the producing, fabricating, processing, printing
13 or imprinting of tangible personal property for a consideration for
14 consumers who furnish either directly or indirectly the materials used
15 in the producing, fabricating, processing, printing or imprinting,
16 including but not limited to, sign construction, photofinishing,
17 duplicating and photocopying; (d) the furnishing and distributing of
18 tangible personal property for a consideration by social clubs and
19 fraternal organizations to their members or others; (e) the furnishing,
20 preparing, or serving for a consideration of food, meals or drinks; (f) a
21 transaction whereby the possession of property is transferred but the

22 seller retains the title as security for the payment of the price; (g) a
23 transfer for a consideration of the title of tangible personal property
24 which has been produced, fabricated or printed to the special order of
25 the customer, or of any publication, including but not limited to, sign
26 construction, photofinishing, duplicating and photocopying; (h) a
27 transfer for a consideration of the occupancy of any room or rooms in a
28 hotel or lodging house for a period of thirty consecutive calendar days
29 or less; (i) the rendering of certain services for a consideration,
30 exclusive of such services rendered by an employee for [his] the
31 employee's employer, as follows: (A) Computer and data processing
32 services, including but not limited to, time, and exclusive of services
33 rendered in connection with the creation, development hosting or
34 maintenance of all or part of a web site which is part of the graphical,
35 hypertext portion of the Internet, commonly referred to as the
36 World-Wide Web, (B) credit information and reporting services, (C)
37 services by employment agencies and agencies providing personnel
38 services, (D) private investigation, protection, patrol work, watchman
39 and armored car services, exclusive of services of off-duty police
40 officers and off-duty fire fighters, (E) painting and lettering services,
41 (F) photographic studio services, (G) telephone answering services, (H)
42 stenographic services, (I) services to industrial, commercial or
43 income-producing real property, including but not limited to, such
44 services as management, electrical, plumbing, painting and carpentry
45 and excluding any such services rendered in the voluntary evaluation,
46 prevention, treatment, containment or removal of hazardous waste, as
47 defined in section 22a-115, or other contaminants of air, water or soil,
48 provided income-producing property shall not include property used
49 exclusively for residential purposes in which the owner resides and
50 which contains no more than three dwelling units, or a housing facility
51 for low and moderate income families and persons owned or operated
52 by a nonprofit housing organization, as defined in subsection (29) of
53 section 12-412, (J) business analysis, management, management
54 consulting and public relations services, excluding (i) any
55 environmental consulting services, and (ii) any training services
56 provided by an institution of higher education licensed or accredited

57 by the Board of Governors of Higher Education pursuant to section
58 10a-34, (K) services providing "piped-in" music to business or
59 professional establishments, (L) flight instruction and chartering
60 services by a certificated air carrier on an aircraft, the use of which for
61 such purposes, but for the provisions of subsection (4) of section 12-410
62 and subsection (12) of section 12-411, would be deemed a retail sale
63 and a taxable storage or use, respectively, of such aircraft by such
64 carrier, (M) motor vehicle repair services, including any type of repair,
65 painting or replacement related to the body or any of the operating
66 parts of a motor vehicle, (N) motor vehicle parking, including the
67 provision of space, other than metered space, in a lot having thirty or
68 more spaces, excluding (i) space in a seasonal parking lot provided by
69 a person who is exempt from taxation under this chapter pursuant to
70 subsection (1), (5) or (8) of section 12-412, (ii) space in a parking lot
71 owned or leased under the terms of a lease of not less than ten years'
72 duration and operated by an employer for the exclusive use of its
73 employees, (iii) valet parking provided at any airport, and (iv) space in
74 municipally-operated railroad parking facilities in municipalities
75 located within an area of the state designated as a severe
76 nonattainment area for ozone under the federal Clean Air Act, (O)
77 radio or television repair services, (P) furniture reupholstering and
78 repair services, (Q) repair services to any electrical or electronic device,
79 including but not limited to, such equipment used for purposes of
80 refrigeration or air-conditioning, (R) lobbying or consulting services
81 for purposes of representing the interests of a client in relation to the
82 functions of any governmental entity or instrumentality, (S) services of
83 the agent of any person in relation to the sale of any item of tangible
84 personal property for such person, exclusive of the services of a
85 consignee selling works of art, as defined in subsection (b) of section
86 12-376c, or articles of clothing or footwear intended to be worn on or
87 about the human body other than (i) any special clothing or footwear
88 primarily designed for athletic activity or protective use and which is
89 not normally worn except when used for the athletic activity or
90 protective use for which it was designed and (ii) jewelry, handbags,
91 luggage, umbrellas, wallets, watches and similar items carried on or

92 about the human body but not worn on the body in the manner
93 characteristic of clothing intended for exemption under subdivision
94 (47) of section 12-412, under consignment, exclusive of services
95 provided by an auctioneer, (T) locksmith services, (U) advertising or
96 public relations services, including layout, art direction, graphic
97 design, mechanical preparation or production supervision, not related
98 to the development of media advertising or cooperative direct mail
99 advertising, (V) landscaping and horticulture services, (W) window
100 cleaning services, (X) maintenance services, (Y) janitorial services, (Z)
101 exterminating services, (AA) swimming pool cleaning and
102 maintenance services, (BB) renovation and repair services as set forth
103 in this subparagraph, to other than industrial, commercial or
104 income-producing real property: Paving of any sort, painting or
105 staining, wallpapering, roofing, siding and exterior sheet metal work,
106 (CC) miscellaneous personal services included in industry group 729
107 in the Standard Industrial Classification Manual, United States Office
108 of Management and Budget, 1987 edition, exclusive of (i) services
109 rendered by massage therapists licensed pursuant to chapter 384a, and
110 (ii) services rendered by a hypertrichologist licensed pursuant to
111 chapter 388, (DD) any repair or maintenance service to any item of
112 tangible personal property including any contract of warranty or
113 service related to any such item, (EE) business analysis, management
114 or managing consulting services rendered by a general partner, or an
115 affiliate thereof, to a limited partnership, provided (i) that the general
116 partner, or an affiliate thereof, is compensated for the rendition of such
117 services other than through a distributive share of partnership profits
118 or an annual percentage of partnership capital or assets established in
119 the limited partnership's offering statement, and (ii) the general
120 partner, or an affiliate thereof, offers such services to others, including
121 any other partnership. As used in subparagraph (EE)(i) "an affiliate of
122 a general partner" means an entity which is directly or indirectly
123 owned fifty per cent or more in common with a general partner; and
124 (FF) notwithstanding the provisions of section 12-412, except
125 subsection (87) thereof, patient care services, as defined in subsection
126 (30) of this section by a hospital; (j) the leasing or rental of tangible

127 personal property of any kind whatsoever, including but not limited
128 to, motor vehicles, linen or towels, machinery or apparatus, office
129 equipment and data processing equipment, provided for purposes of
130 this subdivision and the application of sales and use tax to contracts of
131 lease or rental of tangible personal property, the leasing or rental of
132 any motion picture film by the owner or operator of a motion picture
133 theater for purposes of display at such theater shall not constitute a
134 sale within the meaning of this subsection; (k) the rendering of
135 telecommunications service, as defined in subsection (26) of this
136 section, for a consideration on or after January 1, 1990, exclusive of any
137 such service rendered by an employee for [his] the employee's
138 employer, subject to the provisions related to telecommunications
139 service in accordance with section 12-407a; (l) the rendering of
140 community antenna television service, as defined in subsection (27) of
141 this section, for a consideration on or after January 1, 1990, exclusive of
142 any such service rendered by an employee for [his employer] the
143 employee's employer and exclusive of that portion of a consumer's bill
144 attributable to the gross earnings tax levied pursuant to chapter 211;
145 (m) the transfer for consideration of space or the right to use any space
146 for the purpose of storage or mooring of any noncommercial vessel,
147 exclusive of dry or wet storage or mooring of such vessel during the
148 period commencing on the first day of November in any year to and
149 including the thirtieth day of April of the next succeeding year; (n) the
150 sale for consideration of naming rights to any place of amusement,
151 entertainment or recreation within the meaning of subdivision (3) of
152 section 12-540. Wherever in this chapter reference is made to the sale of
153 tangible personal property or services, it shall be construed to include
154 sales described in this subsection, except as may be specifically
155 provided to the contrary.

156 Sec. 2. This act shall take effect July 1, 2000, and shall be applicable
157 to sales occurring on or after said date.

Statement of Legislative Commissioners:

The language was made gender neutral.

ET Committee Vote: Yea 16 Nay 0 JFS-LCO C/R FIN